

**IN THE UNITED STATE DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ILLINOIS**

SCOTT WALDRUP,

Plaintiff,

V.

Case No. 15-cv-195

**THE CITY OF ALTON and
JASON “JAKE” SIMMONS, in his
Individual and Official Capacity,**

Defendant.

NOTICE OF REMOVAL

Defendants, the City of Alton, Madison County, Illinois, and Chief of Police Jason “Jake” Simmons by and through their attorneys, Stephanie E. Jones and James L. Huff, of Hodges, Loizzi, Eisenhammer, Rodick & Kohn LLP, hereby file this Notice of Removal of this action filed in the Circuit Court of the Third Judicial Circuit, Madison County, Illinois. Pursuant to 28 U.S.C. § 1446(a), Defendants state the following in support of removal:

1. On February 20, 2015, Plaintiffs initiated a civil action by filing a Complaint for Writ of Mandamus, Temporary Restraining Order (“TRO”), and Preliminary Injunction in the Circuit Court of the Third Judicial Circuit of Madison County, Illinois. Copies of the TRO and the Complaint, which were served upon the City Clerk on February 23, 2015, are attached hereto.

2. The Complaint raises federal claims. Specifically in Paragraph 10 of the Complaint, Plaintiff alleges that the Defendant has a protectable right pursuant to 42 USC §1983 and general due process with respect to loss of his job and his income.

3. Because Plaintiffs' Complaint involves a federal question, this action falls within the original jurisdiction of the federal courts pursuant to 28 U.S.C. § 1441(a), and Defendants remove this action to federal court.

4. WHEREFORE, this action is removable to federal court under 28 U.S.C. § 1441(a), and Defendants hereby remove this action to this Court pursuant to 28 U.S.C. § 1446(a).

Respectfully submitted,

THE CITY OF ALTON,
MADISON COUNTY, ILLINOIS and
CHIEF OF POLICE
JASON "JAKE" SIMMONS

By: /s/ James L. Huff
One of the Attorneys for Defendant

Stephanie E. Jones, ARDC # 6275216
James L. Huff, ARDC # 6313080
Hodges, Loizzi, Eisenhammer
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jhuff@hlerk.com

CERTIFICATE OF SERVICE

I, James L. Huff, an attorney, hereby certify that on the 23rd day of February, 2015, a true and correct copy of the foregoing Notice of Removal was electronically filed by transmitting the same electronically to the Clerk of Court, in accordance with Fed. R. Civ. P. 5(b)(2)(D), LR 9 and Administrative Order 60 pursuant to the District Court's Electronic Case Filing (ECF) system as to ECF filers, and served upon Plaintiffs' attorney by electronic and first class mail, postage prepaid, deposited at 804 W. U.S. Highway 50, Suite 220, O'Fallon, IL 62269, at or about 5:00 p.m., addressed as follows:

Lee W. Barron,
Attorney for the Plaintiff
112 Front Street
Alton, IL 62002

/s/ James L. Huff
One of the Attorneys for Defendant

Stephanie E. Jones, ARDC # 6275216
James L. Huff, ARDC # 6313080
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CERTIFICATE OF SERVICE

I, James L. Huff, an attorney, hereby certify that on the 23rd day of February, 2015, a true and correct copy of the foregoing Notice of Filing was electronically filed by transmitting the same electronically to the Clerk of Court, in accordance with Fed. R. Civ. P. 5(b)(2)(D), LR 9 and Administrative Order 60 pursuant to the District Court's Electronic Case Filing (ECF) system as to ECF filers., and served upon Plaintiffs' attorney by facsimile and first class mail, postage prepaid, deposited at 804 W. U.S. Highway 50, Suite 220, O'Fallon, IL 62269, at or about 5:00 p.m., addressed as follows:

Lee W. Barron,
Attorney for the Plaintiff
112 Front Street
Alton, IL 62002

/s/ James L. Huff
One of the Attorneys for Defendant

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